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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,176	02/26/2002	Toshitaka Hasegawa	826.1796	2408

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EXAMINER

CHEN, TSE W

ART UNIT PAPER NUMBER

2116

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/082,176

Applicant(s)

HASEGAWA, TOSHITAKA

Examiner

Tse Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>102405 (2 pages)</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment dated January 26, 2006.
2. Claims 1-17 are presented for examination.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on October 24, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Allowable Subject Matter***

4. The indicated allowability of claims 5-6 and 11 is withdrawn in view of the newly discovered reference(s) to Sugahara et al., European Publication 0936532. Rejections based on the newly cited reference(s) follow.

#### ***Drawings***

5. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

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6. Claim 11 is objected to because of the following informalities: “An information processing” should be “An information processing device”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4, 7-10, 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Budnik et al., European Publication 0499564A2, hereinafter Budnik.

9. In re claim 1, Budnik discloses a power supply control method in a system [10] in which a power supply control device [inherently, a power supply control device in the broadest interpretation is needed to couple power on and off] is provided for each of a plurality of information processing devices [terminals] connected to a network [col. 1, ll. 1-33; col. 1, l. 50 – col. 2, l. 4; col. 3, ll. 18-col. 4, l. 14], comprising:

- A representative information processing device [used to enter or reset schedule] of the plurality of information processing devices issuing, according to a predetermined power-up/down schedule [fig. 2, 3] of said representative information processing device and other information processing devices [schedule entered for entire data processing system 10], a power-up instruction to each power supply control device of the other information processing devices upon each activation [terminals are centralized in control] [col. 1, ll. 11-33; col. 1, l. 50 – col. 2, l. 4; col. 3, ll. 18-col. 4, l. 28].

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- Instructing each of the information processing devices to perform a power-down process [col.4, ll.43-55; col.5, ll.2-36; warning message instructs preparation for shutdown], notifying the information processing devices of a next power-up date and time, and having each power supply control device enter a next power-up date and time [next power up inherently entered in order for each terminal to determine appropriate action] each time a power-down date and time [warning message of remaining time inherently indicates date and time of present] comes [col.6, ll.20-50].
- Each power supply control device of said other information processing devices performing a power-up process upon receipt of the power-up instruction or when the entered power-up date and time comes [col.1, ll.11-33; col.1, l.50 – col.2, l.4; col.3, ll.18-col.4, l.28].

10. In re claim 2, Budnik discloses each and every limitation as discussed above in reference to claim 1. Budnik further discloses, comprising notifying each power supply control device of the other information processing devices of a next power-up date and time, having each power supply control device enter the next power-up date and time, and issuing a power-down instruction to each of the other information processing device each time a power-down date and time comes [schedule for all terminals in system to be shutdown, or have the instruction issued at designated time] [fig.2, 3; col.4, ll.43-55; col.5, ll.2-36; col.6, ll.20-50].

11. As to claims 3-4 and 10, Bunik discloses, wherein said power-up date and time given to each of said power supply control devices of said other information processing devices is obtained by any of said information processing devices or each of said other information

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processing devices adding an arbitrary margin to a power-up date and time in said predetermined power-up/down schedule [col.6, ll.20-50].

12. As to claims 7-8 and 12, Budnik discloses, wherein said power-up instruction or power-down instruction is sequentially issued at predetermined startup intervals or power-down intervals [col.4, ll.37-42].

13. In re claim 9, Budnik discloses each and every limitation as discussed above in reference to claim 1. Budnik discloses the method of operating the apparatus; therefore, Budnik discloses the apparatus.

14. In re claim 13, Budnik discloses each and every limitation as discussed above in reference to claim 1. Budnik discloses the method of operating the device; therefore, Budnik discloses the device.

15. In re claims 14 and 15, Budnik discloses each and every limitation as discussed above in reference to claim 1. Budnik discloses the method; therefore, Budnik discloses the program realizing the functions of the method.

16. In re claim 16, Budnik discloses a power supply control method for a plurality of information processing devices [terminals] [col.1, ll.1-10; col.3, ll.18-41], comprising:

- Issuing, by one of said information processing devices, a power-up instruction to each of the information processing devices upon each activation [col.1, ll.11-33; col.1, l.50 – col.2, l.4; col.3, l.18 – col.4, l.14].
- Notifying, by said one of said information processing devices, each of the information processing devices of a next power-up data and time [col.6, ll.20-50; each terminal needs to use next power up in accordance to own situation].

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- Entering said next power-up date and time in each of the other information processing devices [col.6, ll.20-50; next power-up inherently entered in order for each terminal to determine appropriate action].
- Instructing [to user with warning message to prepare for shutdown], by said one of said information processing devices, each of the other information processing devices to perform a power-down process [col.4, ll.43-55; col.5, ll.2-36].
- Performing a power-up process of each the other information processing devices when the next power-up date and time comes if no further power-up instruction has been received from said one of said information processing devices [col.6, ll.20-50; terminals would have powered up at next power-up with no further power-up instruction since the terminals would be off].

17. In re claim 17, Budnik discloses, a power supply control method [col.1, ll.1-10], comprising:

- Providing power-up [wake-up] and power-down instructions [shutdown] to control power consumption of plural computer [10] [col.1, ll.11-33; col.1, l.50 – col.2, l.4; col.3, l.18 – col.4, l.14].
- Notifying the computer of a power-up date and time when a power-down instruction is provided [col.6, ll.20-50].

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 5-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budnik as applied to claims 1, 2 and 9 above, and further in view of Sugahara et al., European Publication 0936532, hereinafter Sugahara.

20. Budnik discloses each and every limitation as discussed above. Budnik did not disclose a permission condition.

21. Sugahara discloses an information processing device which is a representative information processing device [31] in a plurality of information processing devices in a computer system [fig. 1], comprising a power permission condition [status information] storage unit [44] for storing a power permission condition of a predetermined current and other information processing devices [clients] and does not give the power instruction and the next power data and time before a power permission condition is satisfied although the power data and time comes [0046; issuance of power instruction at designated time is based on satisfying of conditions].

22. It would have been obvious to one of ordinary skill in the art, having the teachings of Budnik and Sugahara before him at the time the invention was made, to modify the information processing device taught by Budnik to include the teachings of Sugahara, in order to obtain the claimed information processing device and associated method. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to efficiently control power consumption [Sugahara: 0010].

### ***Response to Arguments***

23. All rejections of claim limitations as filed prior to Amendment dated January 26, 2006 not argued in entirety or substantively in response filed as said Amendment have been conceded



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by Applicant and the rejections are maintained from henceforth. Any arguments hereinafter related to said rejections of claim limitations will be considered untimely.

24. Applicant asserts that item 9 on form PTOL-326 was checked with no specific objections appearing in the Detailed Action. Examiner submits that claim objections were presented in Detailed Action of the previous Office Action. Since claims are considered to be part of the specification, item 9 was appropriately checked.

25. Applicant's arguments, with respect to the objections of claims 9, 14 and 15 for various informalities have been fully considered and are persuasive. The objection of the claims has been withdrawn.

26. Applicant's arguments, with respect to the prior art claim rejections, have been fully considered but they are not persuasive as the following details.

27. Applicant alleges that Budnik does not disclose "instructing each of the information processing devices to perform a power down process". Examiner disagrees and submits that Budnik discloses instructing a data processing system 10 as comprising a plurality of information processing devices [terminals 26, 28, 30] to perform a power down process according to a specified schedule [fig.2, 3] for the data processing system 10. As the schedule applies to all the information processing devices, instructions to power down at the specified time must inherently have been given in order for the power down process to be fulfilled. Furthermore, Examiner submits that a warning of imminent shutdown can be considered to be part of a power down process.

28. Applicant states that the Office Action "asserts that the warning message will inherently indicate a date and a time of the present... this is submitted to be incorrect... one may warn

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another... that they are going to *'knock your block off'*, without specifying the date or time at all". Examiner disagrees and points out that the Office Action actually states "warning message of remaining time inherently indicates date and time of present".

29. Applicant alleges that Budnik does not disclose "notifying the information processing devices of a next power up date and time". Examiner disagrees and points to Applicant's admission that Budnik does disclose "war[ning] the plurality of computers... of its own power up or down accordingly" [pg.15 of Remarks dated January 26, 2006]. Examiner submits that warning is a form of notifying. Furthermore, Examiner submits that the next power up date and time must be entered into the calculation disclosed in col.6, ll.20-50 of Budnik, each time a power down data and time comes in order for the determination process to be fulfilled.

30. As such, Applicant's arguments are deemed not persuasive and the rejections are respectfully maintained.

### *Conclusion*

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tse Chen  
February 10, 2006

  
**LYNNE H. BROWNE**  
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